

§ 17.94

the first 3 years, after the first year of releases of wolves, to determine future management needs and if further reintroductions are required. This review will take into account the reproductive success and movement patterns of the individuals released in the area, as well as the overall health and fate of the experimental wolves. Once recovery goals are met for downlisting or delisting the species, a rule will be proposed to address downlisting or delisting.

(10) The Service does not intend to reevaluate the “nonessential experimental” designation. The Service does not foresee any likely situation which would result in changing the nonessential experimental status until the gray wolf is recovered and delisted in the northern Rocky Mountains according to provisions outlined in the Act. However, if the wolf population does not demonstrate positive growth toward recovery goals for 2 consecutive years, the affected States and tribes, in cooperation with the Service, would, within 1 year, identify and initiate wolf management strategies, including appropriate public review and comment, to ensure continued wolf population growth toward recovery levels. All reintroduced wolves designated as nonessential experimental will be removed from the wild and the experimental population status and regulations revoked when (i) legal actions or lawsuits change the wolves status to endangered under the Act or (ii) within 90 days of the initial release date, naturally occurring wolves, consisting of two breeding pairs that for 2 consecutive years have each successfully raised two offspring, are discovered in the experimental population area. The naturally occurring wolves would be managed and protected as endangered species under the Act.

[49 FR 35954, Sept. 13, 1984, and 50 FR 30194, July 24, 1985, as amended at 51 FR 41797, Nov. 19, 1986; 52 FR 29780, Aug. 11, 1987; 53 FR 29337, Aug. 4, 1988; 53 FR 37580, Sept. 27, 1988; 54 FR 43969, Oct. 30, 1989; 56 FR 41488, Aug. 21, 1991; 58 FR 5657, Jan. 22, 1993; 58 FR 52031, Oct. 6, 1993; 59 FR 42711, 42714, Aug. 18, 1994; 59 FR 60279, Nov. 22, 1994; 60 FR 18947, Apr. 13, 1995; 61 FR 11332, Mar. 20, 1996]

50 CFR Ch. I (10–1–96 Edition)

§ 17.85 Special rules—invertebrates. [Reserved]

§ 17.86 Special rules—plants. [Reserved]

Subpart I—Interagency Cooperation

§ 17.94 Critical habitats.

(a) The areas listed in § 17.95 (fish and wildlife) and § 17.96 (plants) and referred to in the lists at §§ 17.11 and 17.12 have been determined by the Director to be Critical Habitat. All Federal agencies must insure that any action authorized, funded, or carried out by them is not likely to result in the destruction or adverse modification of the constituent elements essential to the conservation of the listed species within these defined Critical Habitats. (See part 402 for rules concerning this prohibition; see also part 424 for rules concerning the determination of Critical Habitat).

(b) The map provided by the Director does not, unless otherwise indicated, constitute the definition of the boundaries of a Critical Habitat. Such maps are provided for reference purposes to guide Federal agencies and other interested parties in locating the general boundaries of the Critical Habitat. Critical Habitats are described by reference to surveyable landmarks found on standard topographic maps of the area and to the States and county(ies) within which all or part of the Critical Habitat is located. Unless otherwise indicated within the Critical Habitat description, the State and county(ies) names are provided for informational purposes only.

(c) Critical Habitat management focuses only on the biological or physical constituent elements within the defined area of Critical Habitat that are essential to the conservation of the species. Those major constituent elements that are known to require special management considerations or protection will be listed with the description of the Critical Habitat.

(d) The sequence of species within each list of Critical Habitats in §§ 17.95 and 17.96 will follow the sequences in the lists of Endangered and Threatened wildlife (§ 17.11) and plants (§ 17.12).